IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1723 OF 2004

Jaywant Dattatray Suryarao ..Petitioner.

V/s.

STATE OF MAHARASHTRA & Anr. ..Respondents.

Mr. Naveen Chomal for Petitioner.

Mr. D.P. Adsule, APP for Respondents.

CORAM : A.S. AGUIAR, J.

DATED : 01.09.2004

PC:-

. Heard the learned Advocate for the petitioner and learned APP for the State.

. Rule. By consent, Rule returnable forthwith.

. By this petition, the petitioner seeks restoration of the Appeal filed by him against the order of cancellation of the Revolver License and to pass appropriate orders, after giving him a hearing. It is the contention of the learned Advocate for the petitioner that on the date of the passing of the impugned order, he was not present before the Appellate Authority, as he was in prison and that the order Exh. 'A', which is at page -9, states that the Authority has considered the relevant papers but there are no details in the order passed and no reason given and as such the petitioner is not in position to meet any grounds of challenge of the said order.

. Perusal of the said order at Exh. 'A' shows that the order has been passed in the absence of the petitioner. It is not know whether the appellate authority was aware of the petitioner being in jail at the relavant time. Since, the applicant/ petitioner was not present, obviously, he was not heard and not given an opportunity to argue the matter on merits. The impugned order is not a reasoned order. Clearly principles of natural justice have been flouted. In view thereof, the petition is allowed.

. The Appeal is restored to file and the appellate authority i.e. the Home Ministry for State, is directed to hear the petitioner and pass a reasoned order. Appeal to be disposed of within a period of four weeks from the date of the receipt of the writ of this order by the appellate authority. In the meantime, Rule is made absolute in terms of prayer clause (a).

. Petition stands disposed of accordingly.

. Parties be supplied authenticated copy of the order.

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